

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE)	
OF THE NAACP, <i>et al.</i> ,)	
)	Civil Action No.: 1:22-cv-00339
Plaintiffs,)	
)	
v.)	Judge Susan P. Baxter
)	
LEIGH M. CHAPMAN, <i>et al.</i> ,)	
)	
Defendants.)	

INTERVENOR-DEFENDANTS’ MOTION TO DISMISS

Intervenor-Defendants support and seek to uphold free and fair elections on behalf of all Pennsylvanians. Intervenor-Defendants therefore respectfully move the Court to uphold the General Assembly’s duly enacted laws governing Pennsylvania’s elections and to dismiss Plaintiffs’ Complaint. Intervenor-Defendants submit the accompanying Memorandum of Law demonstrating that Plaintiffs’ single-count Complaint “fail[s] to state a claim upon which relief can be granted,” Fed. R. Civ. P. 12(b)(6), because the General Assembly’s duly enacted date requirement for absentee and mail-in ballots does not implicate, let alone violate, the federal materiality provision, 52 U.S.C. § 10101(a)(2)(B).¹

WHEREFORE, Intervenor-Defendants respectfully request that the Court GRANT this motion and DISMISS Plaintiffs’ Complaint.

¹ Intervenor-Defendants are Individual Voters David Ball, James D. Bee, Debra Biro, Jesse D. Daniel, Gwendolyn Mae DeLuca, Ross M. Farber, Lynn Marie Kalcevic, Vallerie Sicilano-Biancaniello, and S. Michael Streib, and Republican Committees the Republican National Committee, National Republican Congressional Committee, and Republican Party of Pennsylvania.

Dated: November 7, 2022

Respectfully submitted,

/s/ Kathleen A. Gallagher

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** Pro hac vice application forthcoming*